

REMARKS

Applicants respectfully request entry of this Preliminary Amendment prior to the first Official Action in this continuing examination requested under the Request for Continued Examination submitted herewith.

This communication is further in response to the Office Action mailed on May 19, 2003. The Office Action reports that that claims 4, 5, 15-23 would be allowable if rewritten in independent form, including all the limitations of the base claim and intervening claims as reported in the Office Action. With this amendment, applicants have rewritten claims 4, 17 and 19 as independent claims incorporating the features of claim 1 therein. Accordingly, applicants respectfully believe these claims and dependent claims therefrom are in condition for allowance.

The Office Action reports that claims 1-3, 6, 8 and 9 were still being rejected under 35 U.S.C. 102(b) as being anticipated by Shull et al. (U.S. Pat. 3,618,376). In particular, the Office Action reports that Shull et al. in FIGS. 1-7 discloses a load cell body having a first ring member 14, a second member 16, each ring member a central aperture 26 centered on a reference axis and at least tubes 18, 20, 22, 24 extending from the first ring member to the second ring member parallel to the reference axis.

In applicants' response filed March 10, 2003, applicants respectfully disagreed with the interpretation of the cited reference, believing that Shull et al. clearly teach solid, square elements for the columns 18, 20, 22 and 24. In the final Office Action, in response to applicants' arguments, the Examiner states that "however on a careful reading of the reference there is no teaching of a 'solid structure'. As understood by one ordinary skilled in the art, a column could be a tube or hollow structure. As a result, there is no support for the columns by the prior art

to be construed as solid structures. Therefore, the rejection is reasserted."

Applicants respectfully submit that Shull et al. does specifically teach use of solid structure columns. At col. 2, lines 57-66, Shull et al. state

"As best seen in FIG. 3, column portions 18, 20, 22, 24 are arranged circumferentially and uniformly about the load axis D so that each column portion is spaced 90 degrees from the next column portion and each column lies on a common circle centered on the load member axis. The column portions are square and transverse cross-section and are arranged with their inner and outer faces disposed generally normal to the radius to the column through the load member axis."

FIG. 3 explicitly shows the columns 18, 20, 22 and 24 in cross-section where the section lines clearly represent that the columns are solid. Although the reference numbers 18, 20, 22 and 24 are disposed within the columns, there is no inner boundary or parimeter that would indicate that the columns are tubes. This representation of the columns is further used in FIG. 2 where columns 18 and 22 are again shown as a solid structure integral with the platform portion 14 and the rim 16. By clearly describing the columns with respect to the figures that clearly show that the columns are solid structures, Shull et al. specifically teach the use of solid structure columns. Shull et al. simply do not teach or suggest the invention recited in claim 1 wherein at least three tubes extend from the first ring member to the second ring member. It is therefore respectfully submitted that the use of words "tubes" as used in the claims can not read on a solid-form construction such as in Shull et al. Since the well-understood meaning of "tube" is that of a member having a hollowed centered

portion. Since Scull et al. do not teach or suggest the use of tubes, applicants respectfully submit that claim 1 is allowable.

A petition for an extension of time is hereby requested. A charge authorization is included herewith for the extension fee.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to deposit account No. 23-1123.

Respectfully submitted,

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